

REMARKS

Favorable reconsideration is respectfully requested in view of the following Remarks.

At the outset, Applicants thank Examiner Covington for his time and consideration of the present application during the telephone interview on July 16, 2008.

I. CLAIM STATUS

Please clarify the status of the claims. In items 4 and 6 of the Office Action Summary, it was indicated that claims 1-8 are pending and rejected. However, kindly note claim 6 was not included in any rejection. Further, on page 2 of the Office Action, it was indicated that claim 4 is allowed. Thus, please clarify the status of claims and whether claim 6 is allowed.

Applicants appreciate the Office's indication of allowable subject matter.

II. OBVIOUSNESS REJECTIONS

Claims 1, 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over OJIMA et al. (U.S. 5,705,508) for the reasons on page 2 of the Office Action.

Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being obvious over PONTIROLI et al. (WO 02/12215) in view of OJIMA for the reasons on page 2 of the Office Action.

These rejections are respectfully traversed.

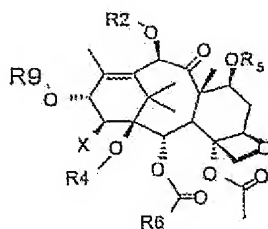
It is well established that to support a *prima facie* case of obviousness, the Office must provide a rationale showing that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions to yield predictable results. See, *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 U.S.P.Q.2d 1385, 1395 (2007); and M.P.E.P.. Eighth Ed., Rev. 6 (September 2007) at § 2143.02.

In the instant case, Applicants respectfully submit that OJIMA, alone or in combination with PONTIROLI, fail to disclose or suggest each and every element of the compounds of claims 1, 2, 3, 5, 7 and 8, namely groups X and E, wherein X is $-N_3$, $-NH_2$, $-NH-R_3$ or $=CH-R_8$, and E is $-N_3$, $-NH-R_3$ or $=CH-R_8$.

As discussed in the interview, the Office's rejection of claims 1, 5, 7 and 8 over OJIMA et al. is based on the assumption that groups X and E of outstanding claim 1 are hydroxyl-protecting groups for position 14, similarly to the G_3O -group disclosed by OJIMA. As such, the Office argues that it would have been obvious for a skilled person to replace the G_3O -group with another protecting group.

Applicants respectfully disagree and submit that the Office's assumption with respect to X and E is incorrect. As noted in the interview, groups X and E are not hydroxyl-protecting groups. A review of formulae in the claims will show

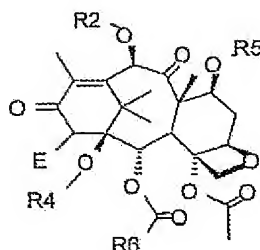
that this is true. See for instance, formula (III) in claim 1, which is shown below.



III

As you can see, there is no oxygen at the position for X to protect. In fact, there is no oxygen in the ring itself.

The same is true for E in formula (II) of claim 2, which is shown below.



As such, groups X and E are not hydroxyl-protecting groups, since there is no oxygen to protect at the recited locations. Thus, the Office's assumption is incorrect.

It is noted that the 103(a) obviousness rejection of claims 2 and 3 over PONTIROLI in view of OJIMA is also based on the same, incorrect assumption that X and E are hydroxyl-protecting groups. For this reason, it is clear that the Office's assumption is incorrect. As such, the *prima facie* case of obviousness fails as there is no rationale for combining the

references to substitute the G30 group in the cited references with X and E of the claimed compounds.

Moreover, groups X and E of the claimed compounds are not at all disclosed or suggested by OJIMA. Actually, groups X and E as defined in the claims are remarkably different from a hydroxyl- or hydroxyl-protecting group of the cited references.

Consequently, not only are groups X and E not hydroxyl protecting groups, but there is no teaching or suggestion in OJIMA or PONTIROLI for the amine groups of X and E of the claimed compounds, wherein X is $-N_3$, $-NH_2$, $-NH-R_3$ or $=CH-R_8$, and E is $-N_3$, $-NH-R_3$ or $=CH-R_8$. In this sense, it is clear that OJIMA, taken alone or when combined with PONTIROLI, fails to disclose or suggest each and every element of the claimed compounds.

It is also again noted that groups X and E as defined in the instant claims are remarkably different from the hydroxyl or hydroxyl-protecting groups of the cited prior art references. As such, the combined teachings of OJIMA and PONTIROLI would not yield predictable results, let alone arrive at the compounds of the claims.

For these reasons, Applicants respectfully submit the claimed compounds cannot be obvious over the combined cited prior art references. Thus, the compounds of claims 1-8 are novel and unobvious over OJIMA and PONTIROLI.

Therefore, Applicants respectfully submit that the above obviousness rejections are untenable and should be withdrawn.

It is noted that the above arguments were favorably received by the Examiner during the interview. The Examiner indicated that such arguments should be made of record by way of a response. The present response does just this.

III. CONCLUSION

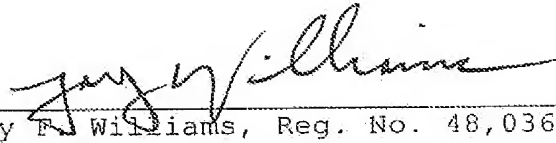
In view of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance and an early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Jay F. Williams, Reg. No. 48,036
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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